

ZOE LOFGREN, CALIFORNIA
CHAIRPERSON

MARY GAY SCANLON, PENNSYLVANIA
VICE CHAIRPERSON

JAMIE RASKIN, MARYLAND
G.K. BUTTERFIELD, NORTH CAROLINA
PETE AGUILAR, CALIFORNIA
TERESA LEGER FERNANDEZ, NEW MEXICO

JAMIE FLEET
STAFF DIRECTOR

One Hundred Seventeenth
Congress of the United States
House of Representatives

COMMITTEE ON HOUSE ADMINISTRATION

1309 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6157
202-225-2061 | CHA.HOUSE.GOV

RODNEY DAVIS, ILLINOIS
RANKING MINORITY MEMBER

BARRY LOUDERMILK, GEORGIA
BRYAN STEIL, WISCONSIN

TIM MONAHAN
MINORITY STAFF DIRECTOR

January 12, 2022

Mr. Michael A. Bolton
Inspector General
United States Capitol Police
119 D Street, N.E.
Washington, D.C. 20510

Dear Inspector General Bolton,

On December 1st, the leadership of the Senate Committee Rules and Administration and of the House Committee on House Administration (CHA) wrote to you about troubling complaints against United States Capitol Police (USCP) leadership made to your office by several USCP intelligence analysts. Those complaints included concerns that USCP management “employees engaged in prohibited personnel practices” and voiced, repeatedly, concerns “of mismanagement by intelligence operations leadership in the weeks leading up to January 6, including an unauthorized reorganization of the Intelligence and Interagency Coordination Division, improper personnel decisions, internal policy violations, and retaliation against certain intelligence analysts who have raised complaints regarding these actions.”¹

As of the date of this letter, we have received from your office neither an acknowledgement of our previous correspondence nor an update with respect to the status of your investigation into these serious allegations as requested in our previous correspondence.

Yet, we learned from other sources that your office interviewed several intelligence analysts who had previously blown the whistle on USCP management malfeasance in reports to your office² and concluded summarily—with no real investigation—that their complaints were without merit. Further, we understand that, shortly after their interviews with your office, USCP management terminated the employment of those intelligence analysts.

Given the facts as we understand them currently, we are deeply concerned with what we consider to be credible allegations of retaliation by USCP management against USCP whistleblowers. Further, because USCP management terminated these whistleblowers immediately following the

¹ Letter from the leadership of the Senate Committee on Rules and Administration and of the House Committee on House Administration (Dec. 1, 2021).

² You may recall a November 16, 2021, call with House Committee on House Administration staff in which you explained that, due to the nature of the analysts’ complaints, your office was the only entity able to receive such reports; neither the Office of Human Resources nor the Office of Professional Responsibility were appropriate recipients.

conclusion of your office's check-the-box investigation, we are troubled with what appear to be improper disclosures of confidential information to USCP management by your office.

The rights and protections of all legislative branch whistleblowers, including USCP whistleblowers, are of particular concern to us. For this reason, Ranking Member Davis wrote to all inspectors general within our jurisdiction, including your office, to request information on how each inspector general's office ensures whistleblower confidentiality and protection.³ According to your response, "[a]s outlined in our enabling statute, OIG takes every step to ensure confidentiality for those providing information to the OIG." The facts as we understand them currently do not support this assertion. **Will you confirm that your office has complied with its enabling statute in its treatment of recent USCP intelligence analyst whistleblowers?**

Moreover, your letter explains that if you believed that USCP management had "taken any action against any employee of the Department for providing information to the OIG, then the OIG would investigate." Given the requirements of federal law,⁴ we agree that this seems reasonable. **Therefore, please explain the status of your investigation into USCP leadership for actions taken against USCP intelligence analyst whistleblowers terminated in December 2021.**

For these reasons, in addition to your responses to the questions posed above, please provide the following information to our offices:

1. A detailed report of your office's findings from your investigations of complaints filed in 2021 by USCP intelligence analysts, including an explanation for why these individuals were disregarded as whistleblowers;
2. A detailed report of your office's investigation concerning the treatment by USCP management of individuals who were terminated shortly after lodging whistleblower complaints with your office;
3. An explanation of how the USCP IG determines whether a person making claims of "activit[ies] constituting a violation of law, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety" (2 U.S.C. § 1909 (c)(3)(A)) qualifies as a whistleblower before your office will agree to investigate their claims, as well as how this practice comports with 2 U.S.C. § 1909 (c)(3)(B); and
4. Your office's plan to review the ongoing issues in the Intelligence and Interagency Coordination Division of USCP;

³ See, e.g., Letter from House Committee on House Administration Ranking Member Davis to United States Capitol Police Inspector General Michael Bolton (Oct. 21, 2021).

⁴ As you note clearly in your letter,

2 U.S.C. § 1909(c)(3)(B) states: "*An employee or member of the Capitol Police who has authority to take, direct others to take, recommend or approve any personnel action, shall not, with respect to such authority, take or threaten to take any action against any employee or member as a reprisal for making a complaint or disclosing information to the Inspector General, unless the complaint was made or the information disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.*"

(emphases added).

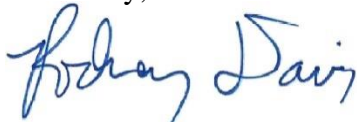
Mr. Michael Bolton
January 12, 2022
Page 3 of 3

Finally, given the political sensitivity of the claims and the pattern of events laid out above, we request and highly encourage that your office retain outside counsel to conduct a complete and independent review of the allegations made by these whistleblowers and the actions, policies, and procedures, both of the Department, as well as of the Office of Inspector General.

We anticipate receiving your response and the requested information no later than January 26, 2022.

Should you have questions, please contact Tim Monahan, Republican Staff Director, U.S. House Committee on House Administration, at Tim.Monahan@mail.house.gov.

Sincerely,

A handwritten signature in blue ink that reads "Rodney Davis". The signature is written in a cursive, flowing style.

Rodney Davis
Ranking Member
Committee on House Administration

cc: Sen. Amy Klobuchar, Chair, U.S. Senate Committee on Rules and Administration
Sen. Roy Blunt, Ranking Member, U.S. Senate Committee on Rules and Administration
Rep. Zoe Lofgren, Chair, U.S. House of Representatives Committee on House Administration